

CHANGES TO EDUCATION GOVERNANCE

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a process for appealing certain local education agency actions to the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ permits parents, teachers, or jointly the governor, the president of the Senate, and the speaker of the House of Representatives to appeal certain actions of a local education agency (LEA) governing board;
- ▶ requires an LEA governing board to create an appeal process for parents or teachers to appeal certain actions to the LEA governing board;
- ▶ requires the State Board of Education (state board) to:
 - establish appeal procedures; and
 - appoint an appeal ombudsman to receive petitions and advise the public regarding the appeal process;
- ▶ permits the state board to:
 - establish a committee to assist the state board in carrying out its duties; and
 - issue rulings on certain appeals;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **53E-3-524**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **53E-3-524** is enacted to read:

37 **53E-3-524. Public education appeal.**

38 (1) As used in this section:

39 (a) "Appeal ombudsman" or "ombudsman" means the ombudsman the state board
40 appoints under Subsection (2).

41 (b) "Appeal procedures" means the rules the state board establishes under Subsection
42 (2).

43 (c) "Authorized petition" means a petition or expedited petition that meets the
44 requirements of this section.

45 (d) "Core standards for Utah public schools" means the standards established by the
46 state board as described in Section [53E-4-202](#).

47 (e) "Eligible petitioners" means parents, or parents and teachers, equaling at least the
48 lesser of:

49 (i) 50 parents, or parents and teachers, in the LEA; or

50 (ii) 10% of parents, or parents and teachers, in the LEA.

51 (f) "Eligible teacher petitioners" means teachers equaling at least the lesser of:

52 (i) 10 teachers in the LEA; or

53 (ii) 5% of teachers in the LEA.

54 (g) "Expedited petition" means a petition to appeal a qualifying action that the
55 governor, the president of the Senate, and the speaker of the House of Representatives jointly
56 allege is an urgent action.

57 (h) "Parent" means the parent of a student enrolled in an LEA that takes a qualifying
58 action.

59 (i) "Petition" means a petition to appeal a qualifying action that eligible petitioners or
60 eligible teacher petitioners allege:

61 (i) violates state board rule, a statutory requirement, or other provision of law; or

62 (ii) is an urgent action.

63 (j) (i) "Qualifying action" means a decision or policy that an LEA governing board
64 establishes by majority vote at a meeting of the LEA governing board.

65 (ii) "Qualifying action" does not include an individual LEA governing board member's
66 statement.

67 (iii) "Qualifying action" does not include an LEA governing board's decision or policy
68 related to:

69 (A) bonding or levying a property tax;

70 (B) borrowing money;

71 (C) LEA budgets or expenditures;

72 (D) LEA governing board elections;

73 (E) school district boundaries;

74 (F) a school's location;

75 (G) a school's permanent closure;

76 (H) curriculum or instructional materials that meet the core standards for Utah public
77 schools as reasonably determined by the LEA;

78 (I) a school's name or mascot;

79 (J) discipline of an individual student;

80 (K) LEA or school personnel matters;

81 (L) an LEA governing board's statement of an official policy position;

82 (M) an LEA governing board's makeup; or

83 (N) contract negotiations.

84 (iv) "Qualifying action" does not include an LEA governing board's decision or policy
85 made in compliance with:

86 (A) statutory requirements; or

87 (B) a court order.

88 (k) "Teacher" means a teacher employed in an LEA that takes a qualifying action.

89 (l) "Urgent action" means a qualifying action that:

90 (i) an LEA governing board takes within the three months prior to the date on which
91 eligible petitioners or eligible teacher petitioners file a petition with the state board; and

92 (ii) is reasonably likely to affect a majority of students in an LEA.

93 (2) (a) The state board shall:

94 (i) appoint an appeal ombudsman to carry out the duties described this section; and

95 (ii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
96 Rulemaking Act, to establish:

97 (A) procedures for eligible petitioners or eligible teacher petitioners to submit a
98 petition to the state board;

99 (B) procedures for an LEA governing board to file a written response to an authorized
100 petition;

101 (C) procedures for the governor, the president of the Senate, and the speaker of the
102 House of Representatives to submit a petition to the governance and practices committee as
103 described in Subsection (8); and

104 (D) other procedures the state board determines are necessary to carry out the duties
105 described in this section.

106 (b) The state board may establish a governance and practices committee to assist the
107 state board in carrying out the state board's duties described in this section.

108 (3) (a) An LEA governing board shall establish a process for eligible petitioners or
109 eligible teacher petitioners to appeal a qualifying action to the LEA governing board.

110 (b) The process described in Subsection (3)(a) shall include a public hearing on the
111 appeal.

112 (4) Eligible petitioners or eligible teacher petitioners:

113 (a) may appeal a qualifying action to the state board by filing a petition in accordance
114 with this section and appeal procedures; and

115 (b) shall include with the petition evidence that the eligible petitioners or eligible
116 teacher petitioners have followed the process established by an LEA in accordance with
117 Subsection (3).

118 (5) Eligible teacher petitioners who take an action described in this section are entitled
119 to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act.

120 (6) (a) The ombudsman shall:

121 (i) review a petition that eligible petitioners or eligible teacher petitioners submit as
122 described in Subsection (4);

123 (ii) advise the public regarding appeal procedures and the requirements of this section;
124 (iii) if a petition alleges a violation of statute or state board rule, advise eligible
125 petitioners or eligible teacher petitioners regarding the eligible petitioners' or eligible teacher
126 petitioners' rights under applicable provisions of state law and state board rule;

127 (iv) refer a petition that is not an authorized petition to the LEA governing board;
128 (v) refer an authorized petition that appeals an urgent action to the state board; and
129 (vi) fulfill other duties the state board assigns.

130 (b) When the ombudsman refers a petition to an LEA governing board as described in
131 Subsection (5)(a)(iv), the ombudsman may make a recommendation that the LEA governing
132 board reconsider the qualifying action.

133 (7) The state board, in accordance with appeal procedures:

134 (a) shall issue a ruling on an authorized petition that appeals an urgent action that the
135 ombudsman refers to the state board; and

136 (b) may request a response to an authorized petition from the LEA governing board
137 before issuing a ruling as described in Subsection (7)(a).

138 (8) (a) The governor, the president of the Senate, and the speaker of the House of
139 Representatives may jointly submit an expedited petition to the state board in accordance with
140 appeal procedures.

141 (b) The state board shall, in accordance with appeal procedures:

142 (i) determine whether the expedited petition:

143 (A) appeals an urgent action; and
144 (B) is an authorized petition;

145 (ii) if the committee determines that an expedited petition is an authorized petition and
146 appeals an urgent action:

147 (A) request a response to an expedited petition from the LEA governing board; and
148 (B) issue a ruling on the expedited petition.

149 (9) An LEA governing board may, in accordance with appeal procedures, file a
150 response to any petition or expedited petition filed under this section.